

UNITED STATES DISTRICT COURT  
CENTRAL DISTRICT OF CALIFORNIA

CIVIL MINUTES – GENERAL

Case No. CV 18-10511-R (KS) Date: May 13, 2019

Title *Curtis Ray Weaver v. Foss*

Present: The Honorable: Karen L. Stevenson, United States Magistrate Judge

Gay Roberson  
Deputy Clerk

N/A  
Court Reporter / Recorder

Attorneys Present for Plaintiffs:

Attorneys Present for Defendants:

**Proceedings: (IN CHAMBERS) ORDER TO SHOW CAUSE RE: DISMISSAL**

On December 19, 2018, Petitioner, a California state prisoner proceeding *pro se*, filed a mixed Petition for Writ of Habeas Corpus (the “Petition”). (Dkt. No. 1.) On January 10, 2019, Petitioner dismissed Grounds One and Two and requested a “*Kelly* stay.” (Dkt. No. 9.) On January 17, 2019, the Court granted Petitioner’s request for a *Kelly* stay and ordered Petitioner to file, *inter alia*, status reports advising the Court of the status of his state habeas proceeding every 45 days. (Dkt. No. 10.) Plaintiff filed his first status report on March 13, 2019. (Dkt. No. 13.) Accordingly, his next status report was due on April 27, 2019.

More than two weeks have now passed since Petitioner’s deadline for complying with the Court’s January 17, 2019 Order, and Petitioner has neither filed a status report nor otherwise communicated with the Court about his case. Accordingly, Petitioner is **ORDERED TO SHOW CAUSE** no later than May 24, 2019, why this case should not be dismissed for his failure to prosecute and comply with the Court’s prior Order.

To discharge this Order and proceed with this action, Petitioner must file one of the following **on or before May 24, 2019**:

- (1) a status report concerning his state habeas proceedings in case no. S254299; or
- (2) a request for a 30-day extension of time and a sworn declaration (not to exceed 3 pages) presenting a plausible and coherent explanation, supported by competent evidence whenever possible, for Petitioner’s failure to timely comply with this Court’s order.

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Alternatively, if Petitioner no longer wishes to proceed with this case, he may file a signed document entitled “Notice of Dismissal” in which he requests the voluntary dismissal of this action with no further consequence.

**Petitioner is expressly cautioned that his failure to timely respond to this order may result in the Court vacating the stay *nunc pro tunc* and recommending dismissal of the action based on Local Rule 41-1 and Rule 41 of the Federal Rules of Civil Procedure.**

Initials of Preparer

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